



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,530	11/21/2003	Claudio D. Carosi	1166U101	8415

7590

07/25/2005

George A Rolston
Suite 900
45 Sheppard Avenue East
Toronto, M2N 5W9
CANADA

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,530

Applicant(s)

CAROSI ET AL.

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

1. Applicant has provided a document titled as an Information Disclosure Statement, but which cites no documents. Inasmuch as there are no documents cited therein for the examiner to consider, no initialed copy of this document is being returned to applicant.

Claim Rejections - 35 USC § 112

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 9 of the claim, it is not clear what element the fulcrum mechanism is intended to cooperate with; in claim 10, line 3, the terms "said sloping shovel end" and "said rear end" lack a clear antecedent basis in the claims, and from the recitation it appears as though they should be "said front-loading end" and "said rear receptacle end" respectively; in claims 12-16, the use of 'type' in the preamble renders the scope unclear in that it is not clear which particular characteristics associated with a self-loading wheel barrow are or are not being precisely incorporated into the claims. In this case, applicant may desire to simply remove "type" from the preamble; in claim 16, the reference to the springs is not provided with adequate antecedent basis, as the spring elements are recited in claim 13, but not in claim 12, from which claim 16 is currently written to depend.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills (GB 2,289,024). Mills teaches a wheelbarrow comprising a wheeled body having a front loading end (21) and a rear receptacle end (19), a pair of laterally spaced handles (18)

Art Unit: 3618

fixed to the body at laterally opposite sides thereof, and a fulcrum mechanism (10, 11, note abstract) connected to the wheelbarrow in a pivotal manner and movable from a retracted position which clears the ground, to an extended position which engages the ground and performs as a fulcrum, the fulcrum cooperating to 'assist in levering up a load of material'.

5. Claims 1, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas (US 4,261,596). Douglas teaches a wheelbarrow comprising a wheeled body with opposing lateral sides (23) and having a front loading end (26) and a rear receptacle end (21), a pair of laterally spaced handles (46, 46, connected to one another at 45) fixed to the body at laterally opposite sides thereof, and a fulcrum mechanism (49) connected to the wheelbarrow in a pivotal manner (at 48) and movable from a retracted position (figure 7E) which clears the ground, to an extended position which engages the ground (figure 1, 2) and performs as a fulcrum, the fulcrum cooperating to 'assist in levering up a load of material' if a force is exerted in a given direction on the handles (e.g., downwardly), and a pair of wheels (W, 44) mounted on an axle (C) on each side of the body, being located between the front loading end and the rear receptacle end of the body.

Allowable Subject Matter

6. Claim 12, as understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 2-8, 11, and 13-16, as understood, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Littlefield (US 1,617,644), Knudtson (US 2,261,520), Thomas (US 2,632,966), Bachman (US 2,589,325), Romang (US 2,817,538), Steer (US

Art Unit: 3618

4,921,305), Tanner et al. (US 6,050,576), Fukuda (JP 10-1056), and Carosi et al. (WO 2005/014366) teach wheel barrow devices of pertinence.

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



Handwritten signature of F. Vanaman, dated 7/20/05.